

## UNITED STATES MISSION TO THE UNITED NATIONS

### U.S. DISABILITY RIGHTS LAW: ACCESSIBILITY

#### Wide Application

In the United States, the requirement to ensure accessibility for persons with disabilities applies in a wide variety of contexts, including:

- X stores, hotels, restaurants, movie theaters, sports stadiums, museums, libraries and schools
- X hospitals, doctor's offices, health clinics and pharmacies
- X banks, health clubs, laundromats, travel agencies, gas stations and day care providers
- X buses, trains and airplanes
- X public streets and sidewalks
- X parks, campgrounds, hiking trails, zoos, playgrounds, carnival rides, swimming pools and boats
- X public phones, computers, the Internet, ATMs and ticket kiosks
- X government buildings, detention facilities and courtrooms

#### Accessibility Standards

U.S. law defines accessibility by means of comprehensive architectural design standards that are specifically tailored to each context to account for factors such as cost, demand, feasibility and safety. The U.S. Access Board is charged with establishing minimum accessibility guidelines that, once adopted as legal standards, must be followed by engineers, designers, architects and builders.

For more information about standards, visit the U.S. Access Board's website at [www.access-board.gov](http://www.access-board.gov).

#### New vs. Existing Facilities

U.S. law applies more stringent accessibility requirements to newly constructed or altered facilities than it applies to existing facilities.

- X Newly constructed or altered facilities must be designed and constructed so that they are readily accessible to and usable by persons with disabilities.
- X By contrast, facilities that were in existence when the law was enacted are only required to remove structural barriers to the extent it is readily achievable to do so.

#### Program Access

When public programs and services are provided from existing facilities, the accessibility requirement applies only to the *programs*, not to the facilities themselves. If the program can be made readily accessible to and usable by persons with disabilities without structural modifications, then the modifications are not required.

#### Transition Plan

U.S. law recognizes that existing facilities need time to come into compliance with newly adopted accessibility standards. Public entities are required to conduct a self-evaluation and develop a "transition plan" by which they agree to implement, as expeditiously as possible, any structural modifications that may be required to make their programs accessible to persons with disabilities.

(Circulated by the United States during the Seventh Session of the Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities, January 16 – February 3, 2006)

For more information, visit the U.S. Department of Justice's ADA Home Page at [www.ada.gov](http://www.ada.gov).